



**REQUEST FOR PROPOSALS**

**FOR**

**CIVIL ATTORNEY LEGAL SERVICES**

**MAY 2021**

**Submission Deadline: June 4, 2021 – 5:00 P.M.**

## REQUEST FOR PROPOSALS

### FOR CIVIL ATTORNEY LEGAL SERVICES

May 2021

The City of Jordan is soliciting proposals for civil attorney services from qualified law firms. Preference will be given to those submittals demonstrating experience in this area of municipal law. The successful applicant(s) shall possess sufficient resources to ensure that the demands for the City's legal needs will be met on a timely basis. The relationship would be on a consulting or contractual basis, as opposed to a staff position. The City will be awarding a 4-year contract, with two 4-year renewal options for these services.

Included in this RFP are a more detailed description of the services to be provided, an outline of the proposal requirements, a description of the proposal review process, and a description of required contract ethics.

**In order to ensure a fair review and selection process, firms submitting proposals are specifically requested not to make other contacts with City staff or City Council regarding these proposals. Failure to comply with this request may result in disqualification of the proposal.** If there are questions regarding this process, they should be directed to: Tom Nikunen, City Administrator, 210 1<sup>st</sup> Street East, Jordan, MN 55352 (952) 492-2535 or [tnikunen@jordanmn.gov](mailto:tnikunen@jordanmn.gov). Written questions regarding this RFP may be sent via e-mail to [tnikunen@jordanmn.gov](mailto:tnikunen@jordanmn.gov) prior to the submission deadline. Responses to the questions will be shared with all interested responders who have requested an RFP.

The City Administrator encourages applicants to submit proposals that don't necessarily meet all of the qualifications listed below. The Civil Attorney Legal Services position is unique and fit within the organization and City Council will be considered.

Proposals received after the deadline will not be accepted. It is neither the City of Jordan's responsibility nor practice to acknowledge receipt of any proposal. It is the responder's responsibility to assure that a proposal is received in a timely manner.

The City will not reimburse any expenses incurred by the responder including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

The City of Jordan reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interests of the City.

#### **Public Records and Proprietary Material**

Respondents are required to complete the attached Form of Consent for Release of Response Data (Exhibit "A"). Respondents should be aware that any records they submit to the City, or that are used by the City even if the respondents possess the records may be public records. The City will promptly disclose public records upon request unless a statute exempts them from disclosure. Proponents should also be aware that if even a portion of a record is exempt from disclosure, generally, the rest of the record must be disclosed. *Exemptions, including those for trade secrets and "valuable formula," are narrow and specific. Proponents should clearly mark any record they believe is exempt from disclosure.*

Upon receipt of a request for public disclosure, the City will notify the proponent of any public disclosure request for the proponent's submittal. If the proponent believes its records are exempt from disclosure, it is the proponent's sole responsibility to pursue a lawsuit to enjoin disclosure. It is the proponent's discretionary decision whether to file such a lawsuit. However, if the proponent does not timely obtain and serve an injunction, the City will disclose the records, in accordance with applicable law.

## **SECTION ONE: SCOPE OF GENERAL LEGAL SERVICES**

The law firm/attorney(s) are required to be knowledgeable in a variety of legal areas, including but not limited to:

- General municipal laws
- General state and federal laws relating to municipal government
- Minnesota Open Meeting Law
- Zoning, housing, annexation, subdivision and land use law
- Economic development activities including development, redevelopment, enforcement, and property/real estate law
- Human Resources, Labor & Employment Law
- Ordinance and resolution development and interpretation
- Government Data Practices
- City Code issues
- Contract law
- Environmental law
- Franchise law
- Municipal leases
- Eminent Domain
- Trial activity

**CIVIL SERVICES COVERED BY HOURLY RATES** - The services and qualifications that are required by the City for civil law services that shall be covered by an agreed to hourly rate shall include items not otherwise covered in this agreement and those listed below:

### **General**

1. Meetings and/or telephone conversations or emails with and advising Mayor, Council Members, City Administrator, Department Managers and other staff on general legal matters.
2. Research and submission of legal opinions on municipal or other legal matters requested by City staff or City Administrator; availability to answer staff questions by telephone.
3. Legal consultation and general support for Mayor, Council Members, City Administrator, Department Managers and other staff on municipal related matters.
4. Provide high level of customer service by responding in a prompt manner.

### **Meetings:**

5. Attend, as requested, regular City Council meetings and advise the Mayor, Council Members and City Administrator on matters of parliamentary law and procedures of a general matter.
6. Attend such special City Council meetings as the Council or the City Administrator directs.

7. Attend such meetings of boards or commissions as the City Administrator directs.
8. Attend such other meetings, planning sessions, conferences and/or departmental meetings as requested by the City Administrator.
9. Attendance at any meetings during a calendar year, as described under items #5-8 above as needed. Meetings may be attended virtually using electronic means as requested by the City Administrator. Attendance is only when needed and requested by the City Administrator or City Council.
10. Review of City Council and Planning Commission agenda packets and minutes as requested.

### **Legal Documents**

11. Review resolutions as the City Administrator or the City Council shall direct, except resolutions relating to the responsibility of the fiscal consultant or bond approving attorney.
12. Review of municipal contracts, including contracts for public improvements, developments, subdivisions, joint powers agreements, construction, purchase of equipment, and the like for content, form, legality and execution as requested.
13. Examine and advise regarding the legality of all proceedings and actions of the City Council and other boards or commissions.
14. Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations.
15. Review of ordinances, ordinance amendments, resolutions, developer agreements and contracts, subdivision agreements and correspondence as requested.
16. Review bonds, deeds, securities and insurance requirements required by or for City contracts or activities.
17. Prepare small business assistance loan documents and related materials.
18. Review data requests and related documents and advise staff regarding release and redactions.

### **Public Improvements**

19. Examine all petitions for improvements for validity.
20. Assist the city engineer in preparing preliminary report as to legal costs, easement costs, assessment methods, and assessment area.
21. Assist staff with special assessment processes and procedures.
22. Prepare or review such routine legal notices for posting, publishing or mailing as required by the statutory assessment process.

### **Real Estate Sale and Acquisition**

23. Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates and obtain or develop proper legal descriptions.
24. Examine title to each parcel as requested by the City Administrator.
25. Prepare documents necessary for routine land purchases and/or sales. All such transactions shall be deemed to be routine unless the Attorney contacts the City in advance and obtains the City's approval that the transaction contemplated is non-routine. Any such non-routine transactions shall be billed at the previously agreed to hourly contract rate.

### **Zoning**

26. Provide legal advice to staff, City Administrator, Planning Commission and City Council regarding zoning code matters.
27. Represent the City in matters related to the enforcement of city building, subdivision, maintenance and zoning codes.

**Public Improvements**

28. Represent the City in the acquisition of properties for public improvements, easements, parks and the like as needed.
29. Perform all legal work in connection with financing, not usually performed by the fiscal consultant or bond counsel.
30. Receive and evaluate all assessment appeals and try cases in District Court or recommend amendments to assessment if warranted.
31. Handle all legal matters under construction contracts and any resulting litigation.

**Land Acquisition and Sale**

32. Represent the City in condemnation proceedings for public improvement projects, etc.
33. Initiate annexation proceedings at the direction of the City and follow through with all necessary documentation and presentation to the State Boundary Adjustments Division.

**Economic Development**

34. Representation of the City on Economic Development related issues, including developer agreements review as needed. The City of Jordan does also contract with another firm for Bond Counsel for finance and economic development issues such Finance tax abatement and other forms of public finance assistance and public financing assistance in public/private partnerships.

**Claims Against the City**

35. Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the City Council.
36. Defend in court all litigation where no insurance coverage is available. This includes but is not limited to: (1) human rights claims; (2) condemnation; (3) permits and administrative actions; (4) administrative citations; (5) code enforcement issues; and (6) labor and employment matters.
37. Assist in resolving claims not resulting in litigation.

**Claims by the City**

38. Investigate and evaluate all claims by the City against others and recommend appropriate course of action, including, but not limited to: code enforcement issues and administrative citations.
39. Attempt collection of all proper claims including litigation where necessary and authorized by the City.

**Intergovernmental Relations and Disputes**

40. Provide such services as requested by the City regarding contractual dealings with Federal, State, County, Township, Municipal, and Special Districts by the City, including Joint Powers Act Public Improvements.
41. Handle disputes between the City and other governmental units, including litigation.

## SECTION TWO: INSTRUCTIONS TO PROPOSERS

1. Proposals should be submitted to Tom Nikunen, City Administrator, City of Jordan, 210 1<sup>st</sup> Street East, Jordan, MN 55352. Proposals should be received no later than 5:00 p.m. on June 4, 2021.
2. One (1) electronic copy (pdf) of entire proposal and two (2) paper copies of each proposal should be submitted.
3. All proposals submitted must provide complete information as indicated in this request. Any other information that the respondent wishes to include for evaluation and consideration by the City as part of the proposal may also be included.
4. Questions regarding this request should be directed to City Administrator Tom Nikunen, City of Jordan, 210 1<sup>st</sup> Street East, Jordan, MN 55352, (952-492-2535 or [tnikunen@jordanmn.gov](mailto:tnikunen@jordanmn.gov)).
5. **In order to ensure a fair review and selection process, law firms submitting proposals are specifically requested not to make other contacts with City staff or City Council regarding their proposals.**

## SECTION THREE: REQUIRED CONTENTS FOR PROPOSALS

1. **Title Page** - Show the RFP subject: Provision of Civil Attorney Legal Services, the name of the respondent's firm, address, telephone number, e-mail, name of contact person, and the date.
2. **General Information**
  - Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization would be helpful.
  - Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principal responsibilities for the individual designated as lead attorney.
  - Include a current resume for each attorney who will be primarily assigned to City of Jordan. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating your proposal.
  - Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.
  - Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), e-mail address, and FAX number(s) of the firm.
  - Provide information regarding the number of paralegals by their specialties, and the number and position titles of support personnel, specifically those who may be providing services to the City of Jordan.
  - Provide an assessment of the availability of the attorney and other professional staff to be assigned to a contract with the City of Jordan. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
  - Provide a statement of how the workload of the City of Jordan would be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of services section. The proposal should expand upon each item and set forth the firm's approach/ability to carry out each activity. Include a description of the proposed allocation of work between the attorney(s) and support personnel identified (i.e. who will be the lead attorney and what work will be handled by junior partners, associates, or paralegals).

- Describe your legal library and research capabilities, with specific emphasis on municipal law publications, computer links, and the firm's capability to maintain a proposed response time for legal reports and memorandums.
  - Describe malpractice insurance coverage: carrier, limits, and exemptions
3. **Knowledge and Experience** - Provide information demonstrating the knowledge and experience of the primary attorney that will be assigned to the City of Jordan in the following areas:
- a. General municipal laws
  - b. General state and federal laws relating to municipal government
  - c. Development Issues
    - i. Zoning, housing, annexation, subdivision and land use law
    - ii. Platting and Land Development Issues
    - iii. Eminent Domain
    - iv. MSA 429 Projects (Procedures and Appeals)
  - d. Economic development activities including development, redevelopment, enforcement, and property/real estate law
  - e. Municipal Financing – Specify whether the firm is a recognized bond counsel and plans to serve in that capacity in the proposed representation
    - i. Minnesota tax increment law;
    - ii. Municipal bonds: General obligation bonds, revenue bonds, tax increment bonds, tax exempt bonds, and other bonding and financial processes
    - iii. Demonstrate knowledge of collection law and municipal finance and purchasing.
  - f. Ordinance and resolution development and interpretation
  - g. Government Data Practices
  - h. City Code issues
  - i. Contract law
  - j. Environmental law
  - k. Franchise law
    - i. Interpretation of cable television franchise authority
    - ii. Water/wastewater, electric and other miscellaneous utilities, and related laws/regulations.
  - l. Municipal leases
  - m. Trial activity
  - n. Municipal Litigation - Describe any municipal litigation handled in the last five years. Indicate the types of cases tried.
  - o. Human Resources Labor & Employment Law
  - p. Negotiation experience in easement acquisitions, land acquisitions, contract disputes, arbitrations and mediations.
4. **Specialized Issues** - Any areas of specialty that may relate to municipal law may be outlined in this section.
5. **References** - Provide a reference list of three (3) recent (within five years) municipal clients. If municipal clients are not available, other major clients may be submitted. Particular attention will be given to municipal client references. Please provide contact information including, address, phone number and e-mail address.

6. **FEES** - Identify in your proposal the amount your firm proposes to charge for the following: Please provide billing information for a period of three years on the attached form. Fees for the two one-year extensions will be negotiated. Please note that the City of Jordan is requesting fees to be submitted with one billing option.: Options should all be based on hourly fees for all work without a retainer.

#### **HOURLY FEES:**

**HOURLY BILLING** – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Jordan covered by your proposal. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

The City requires detailed monthly billing statements that shall include but are not limited to the following items:

- a. Itemize the date of services
- b. Identify the attorney and/or support personnel providing the services.
- c. List the time spent for each service or activity by tenths of an hour.
- d. Provide a detailed description of the services performed.
- e. State the fees for those services.
- f. Organize billing for general corporate work by department, type of services, and/or project.
- g. Itemize all associated costs and expenses related to the services performed.

#### **7. CONFLICT OF INTEREST STATEMENT**

- Indicate whether your firm currently represents or has represented any client where representation may conflict with your ability to serve as City Attorney for the City of Jordan.
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Jordan.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Jordan.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

#### **SECTION FOUR: SELECTION PROCESS/PROPOSAL EVALUATION AND CONTRACT AWARD**

The City intends to award a contract to the respondent best qualified to perform the work for the City, cost and other factors considered. The City of Jordan reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interest of the City.

The approval of the firm selected and the contract award will be made by the City Council.



A contract will be developed based on the information in the Request for Proposal.

Once a contract is awarded, the term of contract duration shall be subject to ongoing review and evaluation by the City Council and City Administrator.

### **Timeline**

Action	Date
City Council Approval of RFP	May 3, 2021
Advertisement of RFP begins	May 4, 2021
Deadline for RFP	June 4, 2021 – 5:00 p.m.
Review of Applications and Invitation to Interview	June, 2021
Interview of Selected Applicants – Consider Award	July, 2021
New contract begins	January 1, 2022

### **SECTION FIVE: CONTRACT ETHICS**

1. No elected official or employee of the City who exercises any responsibilities in the review, approval, or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.
2. It is a breach of ethical standards for any person to offer, give or agree to give any City employee or council member, or for any City employee or council member to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.
3. The firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.
4. The firm shall not accept any client or project that places it in a conflict of interest with its representation of the City of Jordan. If such a conflict of interest is subsequently discovered, the City shall be promptly notified.

**Exhibit A**  
**REQUEST FOR PROPOSAL (RFP)**  
**FORM OF CONSENT FOR RELEASE OF RESPONSE DATA**

\_\_\_\_\_, 2021

City of Jordan  
City Administrator  
210 1<sup>st</sup> Street East  
Jordan, MN 55352

Re: Request for Proposal: Attorney Services

Consent for Release of Response of Data

\_\_\_\_\_, on behalf of \_\_\_\_\_,  
hereby consents to the release of its proposal in response to the Request for Proposals for Attorney Services and waives any claims it may have under Minnesota Statutes Section 13.08 against the City of Jordan for making such information public. The foregoing consent and waiver does not extend to financial statements, if any, submitted under separate confidential cover. Such information provided under separate cover may be public data, but will be treated by the City consistent with Minnesota Statutes Chapter 13.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## HOURLY FEES:

**HOURLY BILLING** – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Jordan covered by your proposal. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

	2022	2023	2024	2025
Hourly Rate for Primary Attorney				
Hourly Rate for Other Attorneys (Please name):				
Hourly Rate for Support Personnel (Name or title):				
Itemized fees (please describe):				
Minimum increments of time billed for each service (list):				

Feel free to attach additional sheets to note:

- Description of other costs items, if needed
- Any other items related to fees that you feel are pertinent in the consideration of your proposal